

**BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

KI BUM NAM
211 East Pomona Blvd.
Monterey Park, CA 91755
Field Representative's License No. FR 44519

Respondent.

Case No. 2012-32

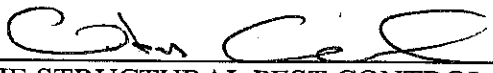
OAH No. 2013030696

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 24, 2013.

It is so ORDERED October 25, 2013.



FOR THE STRUCTURAL PEST CONTROL
BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
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Deputy Attorney General
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Attorneys for Complainant

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8 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2012-32

11 **KI BUM NAM**
12 **211 East Pomona Blvd.**
13 **Monterey Park, CA 91755**
14 **Operator's License No. OPR 11789; Field**
Representative's License No. FR 44519

OAH No. 2013030696
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 Respondent.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20
21 **PARTIES**

22 1. Susan Saylor (Complainant) is the Interim Registrar/Executive Officer of the
23 Structural Pest Control Board. She brought this action solely in her official capacity and is
24 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
25 Langston M. Edwards, Deputy Attorney General.

26 2. Respondent Ki Bum Nam (Respondent) is represented in this proceeding by attorney
27 James L. Frederick, whose address is 504 West Mission Avenue, Suite 103, Escondido, California
28 92025.

3. On or about July 8, 2009, the Structural Pest Control Board issued Field Representative's License No. FR 44519 in Branch 3 to Ki Bum Nam (Respondent). The Field Representative's License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-32 and will expire on June 30, 2015, unless renewed. On or around December 23, 2008, Operator's License No. OPR 11789 was issued in Branch 2 to Respondent. Operator's License No. OPR 11789 is currently in effect and renewed through June 30, 2014.

JURISDICTION

4. Accusation No. 2012-32 was filed before the Structural Pest Control Board (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 8, 2012. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 2012-32 is attached as **Exhibit A** and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2012-32. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent admits the truth of each and every relevant charge and allegation in Accusation No. 2012-32, except as to the Eighth Cause for Discipline (Aiding and Abetting an Unlicensed Company). As to the Eighth Cause for Discipline, Respondent understands that the charges and allegations set forth therein, if proven at a hearing, constitute cause for imposing discipline upon Respondent's Operator License No. OPR 11789 and Field Representative License No. 44519.

10. Respondent agrees that his Operator's License No. OPR 11789 and Field Representative's License No. FR 44519 are subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Structural Pest Control Board. Respondent understands and agrees that counsel for Complainant and the staff of the Structural Pest Control Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Field Representative's License No. FR 44519 and Operator's License No. 11789 issued to Respondent Ki Bum Nam (Respondent) are revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws and rules relating to the practice of structural pest control.

2. **Quarterly Reports.** Respondent shall file quarterly reports with the Board during the period of probation.

3. **Tolling of Probation.** Should Respondent leave California to reside outside this state, Respondent must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.

4. **Notice to Employers.** Respondent shall notify all present and prospective employers of the decision in Case No. 2012-32 and the terms, conditions and restriction imposed on Respondent by said decision.

Within 30 days of the effective date of this decision, and within 15 days of Respondent undertaking new employment, Respondent shall cause his employer to report to the Board in writing acknowledging the employer has read the decision in Case No. 2012-32.

1 5. **Notice to Employees.** Respondent shall, upon or before the effective date of this
2 decision, post or circulate a notice to all employees involved in structural pest control operations
3 which accurately recite the terms and conditions of probation. Respondent shall be responsible
4 for said notice being immediately available to said employees. "Employees" as used in this
5 provision includes all full-time, part-time, temporary and relief employees and independent
6 contractors employed or hired at any time during probation.

7 6. **Completion of Probation.** Upon successful completion of probation, Respondent's
8 Operator's License No. 11789 and Field Representative License No. 44519 will be fully restored.

9 7. **Violation of Probation.** Should Respondent violate probation in any respect, the
10 Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and
11 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against
12 Respondent during probation, the Board shall have continuing jurisdiction until the matter is final,
13 and the period of probation shall be extended until the matter is final.

14 8. **Correspondence Course - Branch 3.** Respondent Ki Bum Nam shall complete with
15 a final grade of C Minus (C-) or better within eighteen (18) months of the effective date of this
16 decision the correspondence course, four (4) hours of courses in Branch 3: Wood Destroying
17 Pests and Organisms, Repairs and Corrections and four (4) hours of rules and regulations offered
18 by a Board-approved program. The hours accumulated in the aforementioned courses cannot be
19 applied towards renewal of Respondent's licenses.

20 9. **Random Inspections.** Respondent shall reimburse the Board for one random
21 inspection per quarter by Board specialists during the period of probation not to exceed \$125 per
22 inspection.

23 10. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**
24 **Manager.** Respondent is prohibited from serving as an officer, director, associate, partner,
25 qualifying manager or branch office manager of any registered company, other than LA
26 Exterminator Corp. during the period that discipline is imposed on Operator's License No. 11789
27 and Field Representative's License No. FR 44519.

28 11. **No Interest In Any Registered Company.** Respondent shall not have any legal or

1 beneficial interest in any company currently or hereinafter registered by the Board other than LA
2 Exterminator Corp. during the period that discipline is imposed on Operator's License No. 11789
3 and Field Representative's License No. FR 44519.

4 12. **Cost Recovery.** Pursuant to Section 125.3 of the California Business and Professions
5 Code, Respondent shall pay to the Board investigation and enforcement costs in the amount of
6 \$2734.00, according to a payment schedule that has been approved by the Board. Investigation
7 and enforcement costs must be paid in full 6 months prior to the end of probation. Probation shall
8 not be terminated until all costs are paid in full.

9
10 **ACCEPTANCE**


11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
12 discussed it with my attorney, James L. Frederick. I understand the stipulation and the effect it
13 will have on my Operator's License and Field Representative's License. I enter into this
14 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
15 to be bound by the Decision and Order of the Structural Pest Control Board.

16
17 DATED: 7-9-2013


KI BUM NAM
Respondent

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19
20 I have read and fully discussed with Respondent Ki Bum Nam the terms and conditions and
21 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its
22 form and content.

23 DATED: 7-9-13


James L. Frederick
Attorney for Respondent

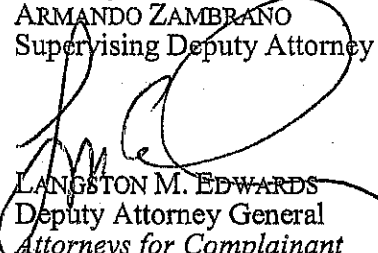
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board of the Department of Consumer Affairs.

Dated: 7/9/13

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General


LANGSTON M. EDWARDS
Deputy Attorney General
Attorneys for Complainant

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